

May 16, 2011

Magistrate Judge Elizabeth D. Laporte
District Court, Northern District of California
San Francisco Courthouse, Courtroom E - 15th Floor
450 Golden Gate Avenue, San Francisco, CA 94102

E-Filed

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MAY 19 2011

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RE: Civil Matter lo Group, Inc. v. Does 1-50, C-10-4378/Civil Action No. 10-4378 (EDL)

YOUR HONOR,

I am writing to you to make known my position regarding a motion filed against me by D. Gill Sperlein, attorney for the lo Group Inc. /Titan Media, an adult film producer, alleging copyright infringement against his client. I am writing to you because I believe myself to be the target of what amounts to extortion. Your name appeared in the motion as the Magistrate assigned to this matter, so I wanted to provide you with some information that I consider of the utmost importance.

On 05/31/2010, I downloaded a music file from the eDonkey Network that was labeled "Ryuichi Sakamoto - The Best of Ryuichi Sakamoto" (a music album by an Award-winning Japanese composer). The file actually turned out to contain a homosexual pornographic movie apparently produced by his client, the lo Group Inc. /Titan Media. Upon discovering the file was not that which it was labeled to be, I immediately deleted it (this took about 5 seconds to discover). At the time, I was shocked to see such provocative material disguised as a classical music album.

A few weeks ago, I received a letter from Mr. Sperlein demanding money to avoid a lawsuit for allegedly knowingly violating his client's copyright by "conspiring with others" to download, copy and redistribute the homosexual pornographic material that was disguised as a legitimate classical music album (namely, "Ryuichi Sakamoto - The Best of Ryuichi Sakamoto"). The first letter Mr. Sperlein sent me even named the album I downloaded as "Ryuichi Sakamoto - The Best of Ryuichi Sakamoto." How then, can he assert that I knowingly downloaded his client's material if he himself states that the file was labeled as a classical music album? Being that I believe these charges are baseless and unjust, I did not respond to his demands.

Recently, I received a copy of a motion filed against me in the State of California requesting an award of \$150,000.00. I feel that I am the victim of an unjust lawsuit. I wrote a letter to Mr. Sperlein explaining what happened in hopes of clearing this matter up before it goes any further.

I have enclosed a copy of the letter I sent to Mr. Sperlein as well as his letter to me stating that the file I downloaded was "Ryuichi Sakamoto - The Best of Ryuichi Sakamoto." It is my hope that he will be amenable to my position and that you will agree that this lawsuit should not proceed.

Thank you for taking the time to read this YOUR HONOR. I realize you are very busy, but your attention to this matter is greatly appreciated.

Sincerely,


Mayra Gonzalez
9811 SW 138 Avenue
Miami, FL 33186

April 6, 2011

Ms. Mayra Gonzalez
9811 SW 138th Avenue
Miami, FL 33186

***Re: Civil Matter Io Group, Inc. v. Does 1-50, C-10-4378
Limited Settlement Opportunity***

Dear Ms. Gonzalez:

I am an attorney representing Io Group, Inc., which does business as Titan Media. Recently, your Internet access account was used to illegally distribute an unauthorized copy of an Io Group movie using the eDonkey2000 (eD2K) network.

Io Group, Inc. actively pursues all acts of infringement, and recently filed a lawsuit against you and others to recover damages for these infringing acts. *Io Group, Inc. v. Does 1-50, C-10-4378*. Io Group subpoenaed your service provider to obtain your identity. Having obtained your identity, Io Group will amend the Complaint to identify you by name, rather than by the fictitious name Doe.

Copyright law allows for statutory damages ranging from \$750 to \$30,000 per infringed work, (\$150,000 if willful). Costs and attorney fees are also recoverable. In order to avoid the time and expense of continued litigation, Io Group offers to settle its claims against you for \$1,875.00, nonnegotiable. This offer is only available until 4/22/2011. At that time, the settlement demand will increase to \$3,375.00.

If you would like more information about this matter, or if you would like to review the settlement offer online, enter the following url into your Internet browser.

<http://www.ClaimVendor.com/settle1.php?EB9D9-C514B-B305D-1301F-B9B52>

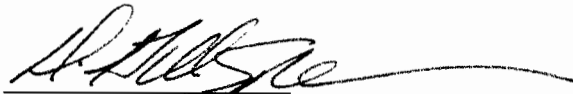
You can pay online using PayPal or a credit card or you can print the settlement agreement and mail it with a check.

YOU ARE OBLIGATED TO PRESERVE ANY AND ALL EVIDENCE THAT MAY REASONABLY BE RELEVANT. DO NOT DELETE OR ERASE ANY FILES FROM YOUR COMPUTER(S) OR REFORMAT/SCRUB YOUR HARD DRIVE(S). IF YOU TAKE ANY ACTION THAT RESULTS IN THE DESTRUCTION OR LOSS OF RELEVANT EVIDENCE, A JUDGE MAY ALLOW AN INFERENCE THAT THE EVIDENCE WAS FAVORABLE TO THE OPPOSITION. A JUDGE ALSO COULD ORDER DEFAULT TO BE ENTERED AGAINST YOU OR IMPOSE OTHER SANCTIONS. THIS DUTY TO PRESERVE EVIDENCE INCLUDES WITHOUT LIMITATION, ALL ELECTRONIC VIDEO FILES OR OTHER ELECTRONIC FILES AND/OR DATA RELATING TO COPYING OR TRANSMITTING VIDEO FILES, RELEVANT E-MAILS, DVDs, COPYING/RIPPING

EQUIPMENT, OR PROGRAMS/APPLICATIONS USED TO COPY VIDEO FILES.

This letter does not constitute an exhaustive statement of Io Group's legal position, nor is it a waiver of any of Io Group's rights and/or remedies in this or any other matter, all of which are hereby expressly reserved. Because of the serious nature of this matter, I encourage you to seek advice of a competent attorney.

Sincerely,



D. GILL SPERLEIN,
ATTORNEY FOR IO GROUP, INC.

Account Holder at 74.173.54.40,
Copyrighted Content

1) Album - Ryuichi Sakamoto - The Best Of Ryuichi Sakamoto.rar
TITLE: Heat - (c) Io Group, Inc.
(discovered at 74.173.54.40 on 5/31/2010 03:37 AM)

\$1,875.00 total (if Agreement reached on or before 4/22/2011)
\$3,375.00 (after 4/22/2011)

Gill@SperleinLaw.com